

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:)
Charles E. Hill)
Toledo, Washington,)
Class III Employee.)
_____)

NO. CR 2011-00305

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued certification¹ number 69-32258 to Charles E. Hill, authorizing Class III Employee activity, formerly with the Chehalis Confederated Tribes. The certification expires on January 9, 2012, and was issued subject to Charles E. Hill's compliance with the Chehalis Confederated Tribes Tribal/State Compact and state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Charles E. Hill with the following violations of the Chehalis Confederated Tribes Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

1) In January 2011, Charles E. Hill applied for and received a Class III Employee certification. In the Criminal History Statement section of his application, Mr. Hill disclosed a June 1993 "Domestic Violence" charge with a disposition of "6-23-93." Mr. Hill signed the Oath of Applicant declaring that, under penalty of perjury, his answers were true and he understood that untruthful or misleading answers are cause for denial of application or revocation of certification.

2) After Mr. Hill was issued a certification, a Commission Special Agent (agent) further investigated Mr. Hill's criminal history. The agent found that in 1993 Mr. Hill was convicted of Third Degree Assault, a felony. Mr. Hill pushed his girlfriend, which resulted in injuries to her neck. Therefore, Mr. Hill misrepresented his criminal history on his application for certification.

3) The agent also discovered that Mr. Hill failed to pay court-ordered fines and fees from his Assault conviction. The last payment Mr. Hill made towards his court fines and fees was in May 2007, and he currently owes \$64,937 to Lewis County Superior Court. As a result, Mr. Hill has demonstrated willful disregard for complying with court orders.

¹ Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

4) Because he furnished misleading information on his application for state certification, Mr. Hill received a certification through fraud, misrepresentation, concealment or through inadvertence or mistake.

5) Mr. Hill poses a threat to the effective regulation of gambling or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities as demonstrated by his:

- a) Criminal history involving physical harm to a person;
- b) Misrepresentation of his criminal history on his application for certification;
- c) Willful disregard for complying with court orders; and
- d) Outstanding court fines and fees of \$64,937.

6) As a result of his actions, Mr. Hill has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1). Therefore, under Section V(C) of Chehalis Confederated Tribes Tribal/State Compact, RCW 9.46.075(1), (3), (4), (7), and (8) and WAC 230-03-085(1), (2), (3), and (8), grounds exist to revoke Charles E. Hill's certification.

Section V(C) of Chehalis Confederated Tribes Tribal/State Compact

The State Gaming Agency² may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when an applicant or holder of certification:

(The following subsections apply.)

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.

(2) Has failed to provide any information reasonably required to investigate the application for state certification or to reveal any fact material to such application, or had furnished any information which is untrue or misleading in connection with such application.

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

² Washington State Gambling Commission, as referred to in the Chehalis Confederated Tribes Tribal/State Compact, Section II (T).

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake.
- (4) Has been convicted of a crime, whether a felony or misdemeanor involving physical harm to individuals.
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.
- (8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (2) Has been convicted of or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

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III.

Jurisdiction of this proceeding is based on the Chehalis Confederated Tribes Tribal/State Compact, 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

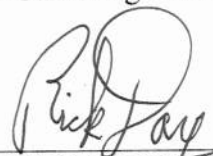
The Class III Employee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your certification.

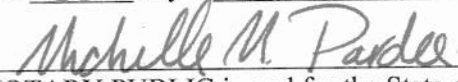
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 30 day of March, 2011.



NOTARY PUBLIC in and for the State of

Washington residing at Lacey

My commission expires on 6/16/2013

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 31 day of March, 2011



Communications and Legal Department
Washington State Gambling Commission

